

## Newstead Town Board Meeting- January 13, 2003

A Public Hearing was called to order by the Newstead Town Board on Monday, January 13, 2003 at the Newstead Town Hall at 7:50 PM.

Present: Gerald F. Summe -Supervisor  
David Cummings- Councilman  
Tom George- Councilman  
Joan M. Glor- Councilwoman  
Harold L. Finger- Councilman  
James Ebersole- Highway Superintendent  
Fred Pask- Assessor  
Christine Falkowski- Building Administrator  
Nathan Neill- Town Attorney  
Andrew Casolini- Town Engineer  
Dawn D. Izydorczak- Town Clerk  
Kathleen McLeod Lang- Deputy Clerk

Roll Call was taken with all board members present.

Supervisor Summe called the public hearing to order at 7:56 PM for the Water District 5 Increase and Improvement for the proposed extension #4.

The Town Clerk read the proof of publication.

Supervisor Summe explained the additions of water lines that are proposed.

Comments received were: No one spoke

A motion was made by Councilman George, seconded by Councilman Cummings to close the public hearing at 8:01PM.

Supervisor Summe called the public hearing to order at 8:01 PM for the proposed major subdivision at Stage and Schutt Roads.

The Town Clerk read the proof of publication.

Supervisor Summe explained the subdivision that is proposed.

Comments received were: Stan Tarara thanked the Town Board for their time on this project.

A motion was made by Councilwoman Glor, seconded by Councilman George to close the public hearing at 8:03PM.

A regular meeting of the Newstead Town Board was called to order at 8:03PM with all the same present as listed above.

Highway Superintendent James Ebersole led the pledge to the flag.

Minutes from the previous regular board meeting held on December 23, 2002, a special meeting on December 30, 2002 and the January 6, 2003 organizational meeting were presented for approval with changes to meeting calendar and Councilman salaries. A motion was made by Councilman Finger, seconded by Councilman Cummings to approve as presented.

Carried Unanimously

**Communications** -Clerk presented the following:

The 2003 Training School & Annual Meeting of the Association of Towns will be February 16 – 19, 2003 at the Hilton Towers in New York City. A copy of the daily schedule and fees is included.

A Monthly Activity Report from the Amherst Central Alarm Office reporting the December 2002 calls for the Akron Fire Company- 39 and Newstead Fire Company- 50.

A Monthly Activity Report from the Erie County Sheriff's Office reporting the December 2002 calls for Akron- 54.

A listing from BFI reporting the Newstead resident customer phone calls regarding garbage and recycling for December 2002.

A letter to the Supervisor from County Executive Joel Giambra announcing the approval of Erie County Development Block Grant funds to the Town of Newstead for a Senior Center (\$90,000) and the Rural Transit Service (\$180,271).

A letter to the Town Board from Joe Frey regarding his subdivision of property along Utley Road and requesting clarification on how many more lots he is allowed to subdivide off.

A Notice of Public Hearing from the Town of Clarence regarding the project "Gables on the Green" On January 27, 2003 at 7:00pm at the Clarence Town Hall Auditorium.

A letter from the NYS Dept. of Ag & Markets regarding the approval of the Final Notice of Intent for Water District 5- Phase 4.

Copies of three letters from Wendel Duchscherer to the NYS Dept. of Health, Dept. of Ag & Markets and Erie County Water Authority regarding the Water District 5- Phase 3 & 4 construction.

The Annual Activity Report from the Amherst Central Alarm Office reporting the 2002 status and total calls for the Akron Fire Company- 509 and Newstead Fire Company- 322.

A motion was made by Councilman Finger, seconded by Councilman George to receive and file correspondence as presented.

Carried Unanimously

**Work Session:** Supervisor Summe reported that work session was held on January 6, 2003 following the Town's annual organizational meeting. The following was discussed: Personnel issues, the Deputy Dog Control Officer & truck, the Senior Center, Water District 5- Phase 2 & 3, LOSAP proposal, Comprehensive Master Plan, Liability Insurance proposal, the Airport Re-zoning, Bloomingdale Re-zoning, Denio Lease Agreement as well as other issues.

**Privilege of the Floor** – No one spoke.

**Approval of Bills** -Councilwoman Glor reported that she had reviewed the Abstract from Batch #94(2002), 95(2002) & 96(2003) from the 12/23/02 meeting with the previously UN-audited vouchers and found everything in order. She presented Abstract Batch #101, 102, 103 & 104. Vouchers on Abstract Batch #101 - 104 numbered 1337-1397,1418-1420,1336 totaling \$241,352.71 and were presented for payment approval by Councilwoman Glor, seconded by Councilman Finger to approve payment.

Abstract Batch 101, 102, 103 & 104:

General Fund "A" -\$20,394.90, Fund "B" \$428.09, Highway "DA" -\$0.00, Highway: Outside Village (DB) \$15,804.11, Capital Projects- WD#5-Phase II (HC) \$182,503.14, Capital Projects- Library Project (HE) \$0.00, Fire Protection (SF) \$1,384.78, Refuse (SR) \$17,204.08, Sewer Fund (SS) \$1,541.25, and Water Districts (SW1) \$0.00, (SW2) \$80.45, (SW3) \$9.90, (SW4) \$102.40, (SW5) \$1,075.16, (SW6) \$277.93, (SW7) \$436.81, (SW8) \$29.26, (SW9) \$80.45, Trust & Agency (TA) \$0.00, totaling \$241,352.71

Carried Unanimously

## COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway –Superintendent Ebersole discussed the issue of small amounts of snow causing problems with the salt budget because they still have to salt when there is a dusting of snow. He ordered 800 ton of salt to get us thru the remaining winter season at a cost of \$21.45 per ton. Can go to 120% of budget. 2001-\$1,000.00, 2002- \$1,200.00. The light snowfall has been difficult on all the surrounding northern towns and their budgets also.

Assessor –The STAR Renewals (800) were mailed out last week. There are new State requirements, which has a change in the income verification process. He recommends maintaining same process of coming in each year and giving the information in person. Tentative update schedule for 2004 given. His office will be checking agriculture incomes for exemptions for farmers. There are many that are receiving the exemption that do not qualify. He will be going to NY to attend meetings on his own time.

Building Office –the following building report was presented by the Building Administrator Christine Falkowski:

Mike Showalter	6625 Dye	One Family Home
Ronald Tyx	11184 Main Rd	Post Frame Bldg
Keith Greiner	7887 Fletcher Rd	Pole Barn

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to accept and approve the building report as presented.

Carried Unanimously

It was also reported that Frank will be on vacation the next 2 weeks and Don Folger will be in as deputy.

Town Clerk- Town/County tax collection time is fast approaching. New information is needed from each of the town offices and officials for the spring newsletter to go out with the tax bills.

Attorney for the Town- Discussions needed in work session.

## COUNCILPERSONS

George –Nothing at this time

Cummings – Received an information request from our attorney in the Scotland Road accident lawsuit, which he provided to the attorney.

Glor- There is a new recycle flyer from BFI and she toured with the Supervisor and committee the Lockport and Lancaster Senior Centers. There is a Senior Center meeting Thursday with the design team.

Finger- Had meetings with Highway Department, would like to go over in work session.

SUPERVISOR –Nothing at this time

**UNFINISHED BUSINESS**

Water District #5- Phase 2 & 3 & 4: Engineer Casolini reported the water lines are in and the temperature needs to be above freezing to test, that should be another 2 weeks.

Water District #10 Survey-nothing at this time

Christian Airmen Re-Zoning-Councilman George had a meeting last week regarding zoning issues and previous studies conducted.

Henley & Murphy Re-Zoning- the Supervisor and town attorney had a meeting with Mr. Henley and neighbors. There may be a need for another public hearing for changing from I-2 to I-1 zoning.

LOSAP Proposals-Supervisor stated moving resolution on Penflex tonight and a meeting is scheduled on February 3 at 6:30PM with Penflex and fire companies.

Senior Center- covered with Councilwoman Glor.

Other- Nothing.

**NEW BUSINESS**

A motion was made by Councilman Cummings, seconded by Councilwoman Glor authorizing the Supervisor to execute all necessary documents for the Inter-municipal Agreement with the Town of Clarence for the use of the Erie County Senior Van two days per week for the year 2003 and reimbursement of two-fifths of the expenses for insurance, repairs and gasoline.

Ayes- 5                      Noes- 0                                      Carried Unanimously

A motion was made by Councilman George, seconded by Councilman Cummings authorizing the Supervisor to sign the necessary agreements approving the Liability Policy FOR THE Town of Newstead for the year 2003.

Ayes- 5                      Noes- 0                                      Carried Unanimously

A motion was made by Councilwoman Glor, seconded by Councilman Finger authorizing the Supervisor to sign the necessary contracts approving the 2003 lease for the use of the Denio Building with the Helping Hands and Heart Coalition.

Ayes- 5                      Noes- 0                                      Carried Unanimously

**Tatara Subdivision Approval:**

A motion was made by Councilwoman Glor, seconded by Councilman Cummings issuing a negative declaration on the proposed major subdivision of land at Stage and Schutt Roads.

{Resolution Attached)                      Ayes- 5                                      Nay- 0                                      Carried Unanimously

A motion was made by Councilwoman Glor, seconded by Councilman Finger approving the major subdivision of land at Stage and Schutt Roads.

{Resolution Attached)                      Ayes- 5                                      Nay- 0                                      Carried Unanimously

**Water District 5- Phase 4:**

A motion was made by Councilman Cummings, seconded by Councilman George issuing a negative declaration on the proposed expansion of Water District 5 to be known as Phase 4.

{Resolution Attached)                      Ayes- 5                                      Nay- 0                                      Carried Unanimously

A motion was made by Councilman Cummings, seconded by Councilman George approving the increase and improvements to Water District 5 in an expansion to be known as phase 4.

{Resolution Attached)                      Ayes- 5                                      Nay- 0                                      Carried Unanimously

A motion was made by Councilman Cummings, seconded by Councilwoman Glor approving the amendment to the Bond Resolution for Water District 5 to include the improvements of the extension phase 4.

(Resolution Attached)            Ayes-5                            Nay-0                            Carried Unanimously

A motion was made by Councilman Finger, seconded by Councilwoman Glor authorizing the Supervisor to sign the Public Water Supply Application with the Erie County Water Authority for supplying service to Water District 5- Phase 1, 2, 3 and 4 and submitting application to the NYS DEC.

(Resolution Attached)            Ayes-5                            Nay-0                            Carried Unanimously

**Public Hearing Local Law Regulating Unsafe Buildings:**

A motion was made by Councilman George, seconded by Councilman Cummings ordering a public hearing to be held on February 24, 2003 at 7:30, where the property owners of 12734 Main Rd. may appear in person and provide evidence that the property is not in violation of provisions of the Unsafe Building Law.

(Resolution Attached)    Ayes- 5                            Nay-0                            Carried Unanimously

The Supervisor commented that he is willing to do whatever it takes to get this mess cleaned up after 6 months and numerous complaints from residents.

**Penflex, Inc. Services:**

A motion was made by Councilman Finger, seconded by Councilwoman Glor approving the retention of Penflex, Inc. to assist in the establishment of a service award program for the local fire companies at a cost of \$1,500 and authorizing the Supervisor to execute all necessary agreements.

{ Resolution Attached)            Ayes- 5                            Nay- 0                            Carried Unanimously

Councilman George stated that the Town has spent 2 years working with the Village of Akron and consultants on a good plan that will guide this community into the future.

**Comprehensive Master Plan Adoption:**

A motion was made by Councilman George, seconded by Councilman Cummings to adopt the Combined Comprehensive Master Plan as a guide and a vision for the future development of the Town of Newstead.

{ Resolution Attached)            Ayes- 5                            Nay- 0                            Carried Unanimously

The Supervisor thanked everyone involved in producing an award-winning Comprehensive Master Plan. He also thanked Marilyn and Ken Kasperek of the Akron Bugle for their excellent job of keeping the public informed throughout the 2 year process.

A motion was made by Councilman Finger, seconded by Councilwoman Glor to approve the request of Kathy Strobele to attend the NYS Finance Officers School.

Carried Unanimously

Other: None

**Question Period-** No one spoke

There being no further business to come before the board a motion was made by Councilman George, seconded by Councilwoman Glor to adjourn at 9:02PM

Work session will continue after the meeting.

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorcak, Town Clerk